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March 6, 2025

Hon. Miroslav Lovric
U.S. Magistrate Judge
Federal Building and U.S. Courthouse
15 Henry Street
Binghamton, NY 13901

RE: O'Neill v. Hamilton College; et al.
Civil Action Number: 6:23-cv-1254 (DNH/ML)

Colangelo v. Hamilton College; et al.
Civil Action Number: 6:23-cv-1464 (DNH/ML)

Dear Judge Lovric:

Please receive this letter as the status report and letter request for an extension of the remaining discovery and dispositive motion deadlines. Defense counsel has reviewed this letter and consents to its filing.

To begin, all parties have been diligent prosecuting and defending the actions. Although discovery has proceeded in somewhat of an unorthodox order, it has been proceeding smoothly. According, here is the order of events post the last status report filed on December 6, 2024:

- December 16, 2024 – Plaintiffs' FRCP 26 Expert Disclosures were served on Defendants;
- December 29, 2024 – Email sent from Plaintiffs to Defendant about outstanding paper discovery disputes on Plaintiffs' FRCP 33 and 34 demands (the dispute centered on Plaintiffs' comparators and Defendant's concerns over the privacy interests of the comparators as referenced in the previous December 6, 2024 status report);
- January 14, 2025 - Deposition of Plaintiff Colangelo conducted by Defendant without incident;
- January 14, 2025 – Updated tax returns sent to Defendant for Plaintiff O'Neil per Defendant's request;

- January 26, 2025 – Follow-up demands based on deposition testimony made by Defendant to Plaintiff Colangelo;
- January 27, 2025 - Deposition of Plaintiff O’Neil conducted by Defendant without incident;
- February 3, 2025 – Defendant’s FRCP 26 Expert Disclosures were served on Plaintiffs;
- February 10, 2025 – Email sent from Defendant stating that Defendant were working on the outstanding paper discovery disputes on comparators for Plaintiffs’ FRCP 33 and 34 demands as discussed above;
- February 12, 2025 - Email sent from Plaintiffs to Defendant acknowledging the same;
- February 17, 2025 - Follow-up demands based on deposition testimony made by Defendant to Plaintiff O’Neil;
- February 17, 2025 – Email sent from Defendant stating that Defense counsel was continuing to work with her client to complete a response to Plaintiffs concerning comparators for Plaintiffs’ FRCP 33 and 34 demands as discussed above;
- February 17, 2025 - Email sent from Plaintiffs to Defendant acknowledging the same;
- February 21, 2025 – Email sent by Defendant to Plaintiffs with amended FRCP 33 responses using employee anonymized pseudonyms “e.g. EE1, EE2 and EE3, ectara” for the subject comparators with citations to the bates stamped FRCP 34 produced documents in the record for employee anonymized pseudonyms to alleviate the discovery dispute over the comparators;
- February 26, 2025 – Email sent by Defense counsel with verifications regarding the same amended FRCP 33 responses;
- March 4, 2025 - Email from Plaintiffs acknowledging that the paper discovery dispute has been resolved with the use of employee anonymized pseudonyms for comparators with citations to the bates stamped FRCP 34 produced documents;
- March 4, 2025 - Email from Plaintiffs to Defendant with Plaintiffs’ notices of deposition (five in each case with four of the deponents noticed in both cases);

- March 5, 2025 - Email sent from Plaintiffs to Defendant with verified errata sheets for Plaintiffs' depositions.
- March 6, 2025 – Plaintiffs and Defendant confer by email concerning scheduling for the deponents noticed by Plaintiffs.

Counsel for Hamilton is working to obtain dates for the witnesses noticed by Plaintiffs. In light of an upcoming trial before Judge Suddaby scheduled for the week of March 24, 2025, counsel for Defendant has advised that these depositions will be scheduled during the months of April and, if needed, early May.

The parties also anticipate the depositions of the experts disclosed will be taken in May or June, depending on witness availability.

Accordingly, based on the progress of the litigation an approximate ninety (90) day extension to all remaining discovery and dispositive motion deadlines is hereby requested. Specifically, the deadlines would be reset as follows:

- Discovery close date be reset from March 17, 2025 to June 17, 2025;
- Dispositive Motion Deadline be reset from May 28, 2025 to August 28, 2025.

This extension would allow Plaintiffs to conduct their depositions, allow Plaintiffs to respond to the deposition follow-up demands made by Defendants and any other follow-up demands the parties may serve.

I thank the Court for its attention to the above captioned matter.

Respectfully Submitted,

/s/ Zachary C. Oren

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CC: Suzanne Messer, Esq. (*via CM/ECF filing*)
Jonathan B. Fellows, Esq. (*via CM/ECF filing*)